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Satoshi Harada

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EXAMINER

FISH, JAMIESON W

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,129

Applicant(s)

HARADA, SATOSHI

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 9, 2004 has been considered by the examiner.

Claim Objections

Claims **4-8** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot dependent from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims **4-8** have not been further treated on the merits.

Claim **12** is objected to because of the following informalities: "an" on line 14 should be deleted. Appropriate correction is required.

Claim Objections

Claim **13** is objected to because of the following informalities: Claim **13** recites the limitation "method" in the line 1. Since claim **12** is a "reception terminal device" and not a "method," it is suggested that the applicant amend claim **13** to read "The reception terminal device according to claim **12**." The claim has been examined with "method" replaced with "reception terminal device". Appropriate correction is required

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **24-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims **24-25** are non-functional descriptive

material. They relate to storing "data" rather than something functional. See MPEP 2106.

Double Patenting

Applicant is advised that should claims 1-2 be found allowable, claims 18-19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 9-10, 14-15, 18-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Reimer et al (US 5,696,905).
2. Regarding claim 1, Reimer teaches a method for using a reception terminal device comprising: storing object image information for object images to be displayed on a screen according to a stream, and display timing information at which said object images are to be displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Tables are stored in databases 112 and 122 relate actor and/or products displayed with

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a display time and/or a scene); when an object image is displayed on the screen on a basis of said transmission stream being received, and when a first command is received from a user, acquiring command timing information at the time that said first command is received on a basis of prescribed timing management information which is contained in said transmission stream (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); and identifying said displayed object image based on said acquired command timing information (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified).

3. Regarding claim 2, Reimer teaches wherein the method includes displaying object image information for said identified object image on said screen when a second command has been received from the user (See Fig. 21, Step 2110 Col. 23 lines 31-67, Col. 24 lines 1-19 User selects specific object from a list and receive specific information).

4. Regarding claims 3/1 and 3/2, Reimer teaches the method according to claims 1 or 2, wherein said timing management information indicates a relative position from a prescribed position on the time axis of said transmission stream (See Fig. 10A, Fig. 22A and Col. 17 lines 10-14, 51-63, Col. 23 lines 4-16).

5. Regarding claim 9, Reimer teaches a method for using a reception terminal device comprising: storing object images to be displayed on a screen on the basis of a video and/or audio broadcasting stream which is contained in a transmission stream being received, and display timing information at which said object images are to be

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displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Object images and tables relating actor and/or products displayed with a display time and/or a scene are stored in databases 112 and 122); when an object image is displayed on the screen on the basis of said video broadcasting stream contained in said received transmission stream, and when a first command is received from a user, acquiring command timing information for the time at which said first command is received on a basis of timing management information contained in said transmission stream (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); identifying said displayed object image based on said acquired command timing information and said stored display timing information (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with scene are identified); after the object image has been identified, extracting object image information for said identified object image from the data broadcasting stream which is contained in the received transmission stream (See Fig. 21, Step 2108 Col. 23 lines 47-54).

6. Regarding claim **10**, Reimer teaches wherein the method includes displaying said extracted object image information on said screen, if a second command is received from the user (See Fig. 21, Step 2110 Col. 23 lines 31-67, Col. 24 lines 1-19 User selects specific object from a list and receives specific information).

7. Regarding claim **14**, Reimer teaches a television device comprising: receiving means for receiving transmission stream (See Fig. 1 User devices 106 Col. 6 lines 32-

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45); generating means for generating video signals by encoding a first independent stream contained in the transmission stream received by said receiving means (See Col. 15 lines 11-65 A movie is sent to a user in digital form. Thus generating means for generating video signals by encoding is inherent); first display control means for displaying video based on said video signals generated by said generating means, on a screen, in accordance with timing management information contained in the transmission stream received by said receiving means (See Col. 6 lines 21-31); storing means for storing object image information for object images in the video to be displayed on said screen, and display timing information at which said object images are to be displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Tables are stored in databases 112 and 122 relate actor and/or products displayed with a display time and/or a scene); first operation receiving means for receiving a first command according to operations performed by user (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); timing information acquiring means for acquiring command timing information for the time at which said first command is received by said first operating receiving means, on the basis of said timing management information (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); and identifying means for identifying a displayed object image on the basis of command timing information acquired by said timing information acquiring means and the display timing

information stored in said storing means (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified).

8. Regarding claim **15**, Reimer teaches the television device further comprising: second operation receiving means for receiving a second command from the user (See Fig. 21, Step 2110 Col. 23 lines 31-67, Col. 24 lines 1-19 User selects specific object from a list and receives specific information); and second display control means for displaying object image information identified by said identifying means in accordance with a second command received by said second operating receiving means (See Col. 6 lines 21-31).

9. Regarding claim **18**, Reimer teaches a control method for a reception terminal device comprising: storing object image information for object images to be displayed on a screen on a basis of a transmission stream, and display timing information at which said object images are to be displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Tables are stored in databases 112 and 122 relate actor and/or products displayed with a display time and/or a scene); when an object image displayed on the screen on the basis of the received transmission stream, and when a first command is received from a user, acquiring command timing information for the time at which said first command is received on the basis of prescribed timing management information contained in said received transmission stream (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); and identifying said displayed object image on the basis

of said acquired command timing information and said stored display timing information (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with scene are identified).

10. Regarding claim **19**, Reimer teaches wherein the method further comprises displaying object image information for said identified object image on said screen when a second command is received from the user (See Fig. 21, Step 2110 Col. 23 lines 31-67, Col. 24 lines 1-19 User selects specific object from a list and receive specific information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reimer in view of Metz (US 5,768,539).

12. Regarding claim **11**, Reimer differs from the claimed invention in that Reimer does not necessarily transmit object image information in a repeated fashion at prescribed intervals wherein said reception terminal device extracts object image information for said identified object image from the object image information group transmitted in repeated fashion at prescribed intervals by said data broadcasting stream. However, transmitting information in a repeated fashion at prescribed intervals wherein a reception terminal receives this information i.e. using a carousel method is

well known in the art as taught by Metz (Col. 4 lines 18-29). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer so that object image information was transmitted using a carousel method as taught by Metz. Carousel method transmission methods are advantageous in that the method allows the receivers information even if reception is momentarily interrupted.

13. Claims **12-13** and **20-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimer et al in view of Broadwin et al. (US 5,903,816).

14. Regarding claim **12**, Reimer teaches a reception terminal device comprising: receiving means for receiving transmission stream (See Fig. 1 User devices 106 Col. 6 lines 32-45); timing information acquiring means for acquiring command timing information for the time that said first command is received on a basis of timing management information, when object images are displayed on the screen on a basis of timing management information and a first independent stream contained in said received transmission stream, and when a first command according to operations by a user has been received (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 When a movie is displayed a user submits a query about a object in a scene. Upon receiving a first user query about merchandise in a scene, the scene is identified); and identifying means for identifying a displayed object image on the basis of said command timing information acquired by said timing information acquiring means and the display timing information stored in said storing means (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified). Reimer differs from the claimed invention in that the object image information and

display timing information are not necessarily stored at the User devices. This data, which is in the form of index tables, is typically stored at database 122 (See Col. 7 lines 40-58). In a similar endeavor, Broadwin teaches where information that is transmitted to the user upon request can also be sent to the user in advance and stored locally at the set top box to be accessed locally when needed (See Col. 3 lines 8-16 and Col. 11 lines 36-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer so that the index tables were stored in the User Device 106 as taught by Broadwin to reduce navigation latency and improve system performance (See Broadwin Col. 3 lines 8-17).

15. Regarding claim **13**, Reimer modified with Broadwin teaches wherein said reception terminal device comprises display control means for displaying, on said screen, object image information for the object image identified by said identifying means, when a second command from the user has been received (See Reimer Fig. 2 Processor 204 Col. 8 lines 28-57 and Col. 23 lines 47-61 User selects specific item to be displayed).

16. Regarding claim **20**, Reimer teaches a control method for a reception terminal device comprising: when an object image is displayed on the screen on the basis of said video image broadcasting stream contained in said transmission stream having been received, and when a first command is received from a user, acquiring command timing information for the time at which said first command was received on the basis of timing management information contained in said transmission stream (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query

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about merchandise in a scene, the scene is identified); identifying said object image on the basis of said acquired command timing information and said stored display timing information (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified); and after the object image has been identified, extracting object image information for said identified object image from the data broadcasting stream contained in the received transmission stream (See Fig. 21, Step 2108 Col. 23 lines 47-54). Reimer teaches storing object images be displayed on a screen on a basis of a video broadcasting stream contained in a transmission stream, and display timing information at which said object images are to be displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Object images and tables relating actor and/or products displayed with a display time and/or a scene are stored in databases 112 and 122). Reimer differs from the claimed invention in that the object image information and display timing information are not necessarily stored at the User devices. This data, which is in the form of index tables, is typically stored at database 122 (See Col. 7 lines 40-58). In a similar endeavor, Broadwin teaches where information that is transmitted to the user upon request can also be sent to the user in advance and stored locally at the set top box to be accessed locally when needed (See Col. 3 lines 8-16 and Col. 11 lines 36-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer so that the index tables were stored in the User Device 106 as taught by Broadwin to reduce navigation latency and improve system performance (See Broadwin Col. 3 lines 8-17).

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17. Regarding claim **21**, Reimer modified with Broadwin teaches the control method comprising: storing said extracted object image information (See Reimer Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16); and displaying said extracted object image information on said screen, if a second command is received from the user (See Reimer Fig. 2 Processor 204 Col. 8 lines 28-57 and Col. 23 lines 47-61 User selects specific item to be displayed).

18. Regarding claim **22**, Reimer teaches a storage medium for storing a program for realizing prescribed functions in a reception terminal device, comprising: means for causing a transmission stream to be received (Col. 14 lines 64-67 The user makes a request which causes stream to be received); means for causing object image information for object images to be displayed on a screen according to said transmission stream, and display timing information at which said object images are to be displayed, to be stored in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Tables are stored in databases 112 and 122 relate actor and/or products displayed with a display time and/or a scene); means for causing command timing information for the time that said first command was received to be acquired on the basis of timing management information, when object images are displayed on the screen on the basis of timing management information and a first independent stream contained in said received transmission stream, and when a first command according to operations by the user has been received (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is

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identified); and means for causing the object to be identified on the basis of said command timing information acquired by said timing information acquiring means and display timing information stored in storing means (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified). Reimer differs from the claimed invention in that the object image information and display timing information are not necessarily stored at the User devices. This data, which is in the form of index tables, is typically stored at database 122 (See Col. 7 lines 40-58). In a similar endeavor, Broadwin teaches where information that is transmitted to the user upon request can also be sent to the user in advance and stored locally at the set top box to be accessed locally when needed (See Col. 3 lines 8-16 and Col. 11 lines 36-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer so that the index tables were stored in the User Device 106 as taught by Broadwin to reduce navigation latency and improve system performance (See Broadwin Col. 3 lines 8-17).

19. Regarding claim **23**, Reimer modified with Broadwin teaches a storage medium for storing a program according to claim **22**, said program further comprises: means for causing object image information for the object image identified by said identifying means to be displayed on said screen, when a second command from the user has been received (See Reimer Fig. 2 Processor 204 Col. 8 lines 28-57 and Col. 23 lines 47-61 User selects specific item to be displayed).

20. Regarding claims **24-25**, claims **24-25** are discussed and rejected according to claims 22-23.

21. Claims **16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimer et al. in view of Wistendahl et al. (US 5,708,845).

22. Regarding claim **16**, Reimer teaches a method for using a reception terminal device comprising: storing object image information for object images to be displayed on a screen according to a transmission stream, display timing information at which said object images are to be displayed, in a mutually corresponding fashion (See Fig. 1 Fig. 10A, Fig. 22A Col. 6 lines 20-45, Col. 17 lines 51-63, Col. 22 lines 60-67, Col. 23 lines 1-16 Tables are stored in databases 112 and 122 relate actor and/or products displayed with a display time and/or a scene); and when a first command has been received from the user, after an object image is displayed on the screen on the basis of the received transmission stream, acquiring command timing information for the time at which said first command has been received, the basis of prescribed timing management information contained in said received transmission stream (See Fig. 21, Step 2104, and Col. 23 lines 31-67, Col. 24 lines 1-19 Upon receiving a first user query about merchandise in a scene, the scene is identified); and identifying said displayed object image on the basis of said acquired command timing information, said stored display timing information (See Fig. 21, Step 2106 Col. 23 lines 31-67, Col. 24 lines 1-19 Products associated with the scene are identified). Reimer differs from the claimed invention in that screen position information at which said object images are to be displayed is not necessarily stored; and objects are not identified according to positional information acquired according to a position command operation performed by the user. However, using positional information acquired according to a position command

operation performed by the user to identify an object displayed on a screen is well known in the art as taught by Wistendahl (See Col. 5 lines 45-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was to modify Reimer to use positional information acquired according to a position command operation performed by the user to identify an object displayed on a screen as taught by Wistendahl to allow user to select one of a plurality of objects appearing on the screen (Wistendahl Col. 5 lines 46-50).

23. Regarding claim 17, Reimer modified with Wistendahl teaches wherein said reception terminal device displays object image information for said identified object image on said screen when a second command is received from the user (See Reimer Fig. 21, Step 2110 Col. 23 lines 31-67, Col. 24 lines 1-19 User selects specific object from a list and receive specific information).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 6/24/2005


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